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P. 1

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From: Stephen J. Brown, Reg. No. 43,519

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To: OFFICE OF INITIAL PATENT EXAMINATION  
FILING RECEIPT CORRECTIONS

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U.S. PATENT AND TRADEMARK OFFICE

Phone Number: (703) 308-3610

Matter 0185659

Number of Pages Including Cover: 11

Message:

Re: U.S. Patent Application Serial No. 10/528,674

Filed: August 22, 2005

For: TRANSCRIPTIONAL ACTIVATOR GENE FOR GENES INVOLVED IN  
COBALAMIN BIOSYNTHESIS

Attorney Docket No.: 21406 US

Enclosed:

1. Request For A Corrected Filing Receipt with facsimile certificate of mailing and Exhibits 1 and 2 (11 pp)

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Docket No. 21406 US (C038435/0185659)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Patent Application of: )  
Tatsuo HOSHINO *et al.* )  
Serial No.: 10/528,674 ) Examiner: Not yet assigned  
Filed: August 22, 2005 ) Art Unit: 1646  
For: **TRANSCRIPTIONAL ACTIVATOR** )  
**GENE FOR GENES INVOLVED IN** )  
**COBALAMIN BIOSYNTHESIS** )

New York, New York  
October 13, 2005

**REQUEST FOR A CORRECTED FILING RECEIPT**

Office of Initial Patent Examination's Filing Receipt Corrections  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

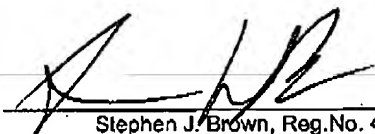
Please issue and send us a corrected filing receipt. A marked-up copy of the filing receipt we received is attached as **Exhibit 1**, along with a copy of the Combined Declaration For Patent And Power Of Attorney attached as **Exhibit 2**. The errors in the filing receipt are as follows:

In the APPLICANT(S) section, the name of the second co-inventor is incorrect. Therefore, please change "Yutaka Stoguchi" to -- Yutaka Setoguchi --.

The FOREIGN APPLICATIONS data is incorrect. Therefore, please  
change "02021603" to -- 02021603.2 --.

Appropriate correction is respectfully requested.

I hereby certify that this correspondence is being  
transmitted to the Commissioner for Patents, Office of  
Initial Patent Examination's Filing Receipt Corrections,  
Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450, via facsimile transmission at (703)  
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Stephen J. Brown, Reg.No. 43,519

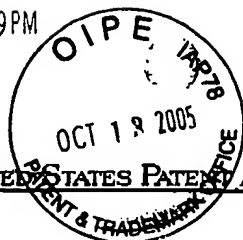
Respectfully submitted,

By: 

Stephen J. Brown  
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# **EXHIBIT 1**

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NO. 2580 P. 5  
Page 1 of 3

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/528,674	08/22/2005	1646	1030	21406 US C038435/0185659	2	9	2

CONFIRMATION NO. 2411

Stephen M Haracz  
Bryan Cave  
1290 Avenue of the Americas  
New York, NY 10104-3300

## FILING RECEIPT



\*OC000000017100705\*

Date Mailed: 09/28/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Yutaka SETOGUCHI

Tatsuo Hoshino, Kanagawa-ken, JAPAN;  
Yutaka Setoguchi, Kanagawa-ken, JAPAN;  
Noribumi Tomiyama, Kanagawa-ken, JAPAN;

## Power of Attorney:

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Warren MacRae--37878  
Kevin Hooper--40402  
Stephen Brown--43519  
Gonzalo Merino--51192

Charles Avigliano--52578

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/10572 09/23/2003

## Foreign Applications

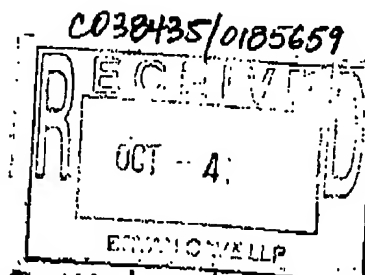
EUROPEAN PATENT OFFICE (EPO) 02021603.2 09/27/2002

02021603.2

Projected Publication Date: 01/05/2006

Non-Publication Request: No

Early Publication Request: No



**Title**

Transcriptional activator gene for genes involved in cobalamin biosynthesis

**Preliminary Class**

530

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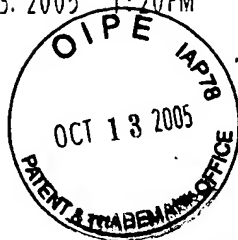
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# **EXHIBIT 2**



OCT. 13. 2005 1:20PM

NO. 2580 P. 9



Attorney Docket No. 21406 US C038435/0185659

### Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### TRANSCRIPTIONAL ACTIVATOR GENE FOR GENES INVOLVED IN COBALAMIN BIOSYNTHESIS

the specification of which

(check one)



is attached hereto



was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulation, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

02021603.2

Europe

27 September 2002



(Number)

(Country)

(Day/Month/Year Filed)

Yes

No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/EP2003/010572

(Application Serial No.)

23 September 2003

(Filing Date)

pending

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Stephen M. Haracz

Reg. No. 33397

Stephen J. Brown

Reg. No. 43519

Warren K. MacRae

Reg. No. 37876

Gonzalo Merino

Reg. No. 51192

Kevin C. Hooper

Reg. No. 40402

Charles Avigliano

Reg. No. 52576

SEND CORRESPONDENCE TO:

Stephen M. Haracz, Bryan Cave LLP, 1290 Avenue of the Americas, New York, NY 10104-3300

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Full name of sole or first inventor

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Inventor's signature

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Citizenship

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Inventor's signature

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Full name of third joint inventor, if any

**Noribumi TOMIYAMA**

Inventors signature

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Date

*March 20, 2005*

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(Supply similar information and signature for subsequent joint inventors)

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